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**From:** Waye, Don  
**Sent:** Thur 9/18/2014 7:21:41 PM  
**Subject:** From NOAA-EPA's 1998 Findings Document for Oregon

From NOAA-EPA's 1998 Findings Document for Oregon (published in the Federal Register as a final action):

### III. FORESTRY

**FINDING:** Oregon's program includes management measures in conformity with the 6217(g) guidance and enforceable policies and mechanisms to ensure implementation throughout the 6217 management area. However, additional management measures are necessary to attain and maintain water quality standards and fully protect beneficial uses (see section X, pages 16-18).

**RATIONALE:** The existing State authority to regulate forestry (the Oregon Forest Practices Act, or FPA) is a comprehensive, enforceable program that includes management measures in conformity with the 6217(g) guidance. Any operator conducting a forest operation must comply with the FPA and implementing rules (Forest Practices Rules, or FPR).

Although Oregon has the basic legal and programmatic tools to implement a forestry program in conformity with Section 6217, these tools are inadequate to ensure that water quality standards are attained and maintained and beneficial uses protected. This conclusion is based on best available information, including the most recent 303(d) listings for Oregon waters, which indicate water quality impairments from forestry. Related to these water quality impairments, Oregon has a number of aquatic species, in particular anadromous salmonids, that are endangered, threatened, or otherwise seriously at risk, due in part to forestry activities that impair coastal water quality and beneficial uses, including salmon spawning, rearing, and migration habitat. For further discussion, see section X, pages 16-18, below.

Section 6217 recognizes that implementation of the (g) measures alone may not always be adequate to protect coastal waters from nonpoint sources of pollution. In these cases, Section 6217 requires the identification and implementation of additional management measures. Thus, Oregon will need to adopt additional management measures for forestry in areas adjacent to coastal waters not attaining or maintaining applicable water quality standards or protecting beneficial uses, or that are threatened by reasonably foreseeable increases in pollutant loadings from new or expanding forestry operations (see section X, pages 16-18, below).

The National Marine Fisheries Service (NMFS), in reviewing the Oregon FPA and implementing rules and the Oregon 6217 program submittal as part of the State's Coastal Salmon Recovery Initiative (CSRI), raised a number of issues related to

Oregon's existing forestry program. The State has entered into a Memorandum of Agreement (MOA) with NMFS regarding implementation of the CSRI. That MOA includes a process for NMFS and ODF to develop adjustments to Oregon forest practices to provide a high probability of protecting and restoring aquatic habitat (including water quality) on Oregon forestlands that are important for Oregon coastal coho. Riparian buffers on medium, small, and non-fish bearing streams; risks to aquatic functions from activities in landslide prone areas; and management of cumulative effects were specifically identified in the MOA as among those issues to be addressed. NOAA and EPA share these concerns with regard to the ability of the FPA and FPR to attain water quality standards and fully support beneficial uses, and have asked the state to review these as priority issues in developing additional management measures. See the additional discussion at section X, "Critical Coastal Areas, Additional Management Measures, and Technical Assistance," pages 16-18, below.

The State has the authority, under OAR 629-635-120, to develop and adopt watershed specific rules for forestry in watersheds that have been designated as water quality limited or for watersheds containing threatened or endangered aquatic species. This authority would be useful in developing appropriate additional management measures for forestry; however, the State has not indicated whether or how it intends to implement this process.

-----Original Appointment-----

**From:** Carlin, Jayne

**Sent:** Thursday, August 21, 2014 12:41 PM

**To:** Carlin, Jayne; Hall, Lynda; Psyk, Christine; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; Byrne, Jennifer; allison.castellan@noaa.gov; 'jeff.dillen@noaa.gov'; 'joelle.gore@noaa.gov'; Solloway, Chris; Barber, Anthony; Melissa Rada - NOAA Affiliate; Croxton, Dave

**Subject:** OR CZARA Managers Mtg

**When:** Thursday, September 18, 2014 12:00 PM-1:00 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Non-Responsive or Christine's Office